

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS**  
**DIVISION OF SAINT CROIX**

	)	
Denroy Adams,	)	<b>1:21-cv-00248</b>
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Glencore Ltd.,	)	
	)	
Cosmogony II, Inc., <i>as successor by merger of</i>	)	ACTION FOR DAMAGES
General Engineering Corporation,	)	
	)	
	)	JURY TRIAL DEMAND
Defendants.	)	

**[CORRECTED] PLAINTIFF’S REQUEST FOR ENTRY OF DEFAULT  
AGAINST DEFENDANT COSMOGONY II, INC.**

COMES NOW Plaintiff via undersigned counsel, to request that the Clerk of Court, or in the alternative, this Honorable Court, enter an *Entry of Default* against the Defendant **COSMOGONY II, INC.**, pursuant to Fed R. Civ. Pro. 55(a). The rule provides:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the court or the clerk **must** enter the party's default. (*emphasis added*)

Plaintiff makes this request because Defendant **COSMOGONY II, INC.**, was properly served on **August 13, 2021** by Antonio “Ricky” Messer pursuant to Title 13 V.I.C. § 348 via service on the Office of the Lieutenant Governor; as Cosmogony II, Inc., has not kept a valid and current resident/registered agent. The **Affidavit of Service** was filed with the Court on **August 30, 2021**, as **Document 13-1**. The time for the Defendant to file an Answer or Responsive Pleading was by **September 6, 2021**, which has now passed; thus the Defendant is in default. The Defendant is a corporation, so it is not a minor, incompetent, nor in the military.

As the Plaintiff will be proceeding against the other defendants, a monetary damage award against the Defaulted Defendant can be determined later if there is a future jury trial. However, if all other parties settle before a trial, the Plaintiff will request that the Court set a damage hearing for the Defaulted Defendant.

WHEREFORE the Plaintiff respectfully requests the Clerk of this Court, or this Honorable Court, make an *Entry of Default* against the Defendant, COSMOGONY II, INC. Two Proposed Order are enclosed for use by the Clerk of Court or by the District Court Judge.

Respectfully submitted,

DATED: September 29, 2021

/s/ J. Russell B. Pate, Esq.

THE PATE LAW FIRM (V.I. Bar No: 1124)

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Attorney for Plaintiff

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was electronically filed on CM/ECF and that same will be served via the Notice of Electronic Filing on all parties:

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/s/ J. Russell B. Pate, Esq.